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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

8 WILLIE WEAVER,

No. C 14-3066 RS (PR)

9 Plaintiff,

ORDER OF DISMISSAL;

10 v.

**ORDER DENYING LEAVE TO
PROCEED IN FORMA PAUPERIS**

11 FIRST WATCH, et al.,

12 Defendants.
13 _____ /

14 Plaintiff's allegations that bad air is causing him to cough himself awake at night have
15 been raised in other actions, e.g., *Weaver v. First Watch, et al.*, 14-cv-00005-RS (dismissed
16 for failure to state a claim), *Weaver v. First Watch, et al.*, 14-cv-00453-RS (same), *Weaver v.*
17 *First Watch, et al.*, 14-cv-00685-RS (dismissed as duplicative), *Weaver v. Sleep Deprivation,*
18 *et al.*, 14-cv-01172-RS (same), and *Weaver v. First Watch*, 14-cv-02493-RS (same).

19 Accordingly, this civil rights action is DISMISSED with prejudice as duplicative. *Adams v.*
20 *Cal. Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007). Plaintiff's application to
21 proceed *in forma pauperis* (Docket No. 3) is DENIED because the action is frivolous, the
22 claims having been raised and rejected in other actions. *Tripati v. First Nat. Bank & Trust*,
23 821 F.2d 1368, 1370 (9th Cir. 1987). The Clerk shall enter judgment in favor of defendants,
24 terminate Docket No. 3, and close the file.

25 **IT IS SO ORDERED.**

26 DATED: July 25, 2014


27 RICHARD SEEBOORG
United States District Judge
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